

REMARKS

Applicants reply to the Office Action dated December 22, 2009, within the shortened three month statutory period for reply. Claims 1, 2, 5-8, 10-13, 16-19, and 21-23 were pending in the application and the Examiner rejects claims 1, 2, 5-8, 10-13, 16-19, and 21-23. Applicants cancel claims 5, 8, 13, 18, 19, 21 and 23 without prejudice to filing one or more claims having similar subject matter in other applications. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by the amendments. Reconsideration of this application is respectfully requested.

The Examiner rejects claims 1-2, 4-13 and 15-22 under 35 U.S.C. § 103(a) as being unpatentable over Levine et al., U.S. Patent No. 5,477,038 (“Levine”) in view of “Visa International Launches Major Smart Card Program” (“Visa”) and Applicants’ disclosed art (“AAPA”). Applicants respectfully disagree with these rejections, but Applicants cancel certain claims and amend certain claims (without prejudice or disclaimer) in order to clarify the patentable aspects of certain claims and to expedite prosecution. Applicants cancel claims 5, 8, 13, 18, 19, 21 and 23, so those rejections with respect to those claims are now moot.

The Examiner asserts that “each individual element and its function are shown in the prior art” (office action, page 3). Applicants respectfully disagree. In particular, Applicants strongly assert that the Examiner has not shown each individual element and function in the cited references. While the AAPA may disclose the use of MICR protocol or pre-existing Travelers Cheque infrastructure to receive information from a distributor regarding a sale of a Travelers Cheque, AAPA fails to disclose the protocols, interfaces, data transfers, data conversions and other technical requirements for a system which distributes transaction account codes (associated with transaction accounts) via a MICR protocol. AAPA also fails to disclose the protocols, interfaces, data transfers, data conversions and other technical requirements for a system which distributes transaction account codes (related to transaction accounts) via a Travelers Cheque infrastructure and a non-Travelers Cheque infrastructure. In other words, while the Travelers Cheque infrastructure may be set up to accept and transmit MICR codes, such infrastructure was set up to accept and transmit transaction account codes (related to transaction accounts).

Importantly, a Travelers Cheque is legal tender and the MICR is not associated with a transaction account, so only the MICR is transmitted. In contrast, the claimed invention routes transaction account codes via a MICR protocol, wherein the account numbers ARE

associated with a transaction account. As such, the AAPA does not disclose at least the element or function of a transaction account code (related to a transaction account) being transmitted via a MICR protocol.

The Examiner also uses Visa to assert that financial infrastructures were previously combined. However, Applicants assert that Visa merely discloses that a smart card may contain two types of transaction accounts, namely a stored value account and a credit account. The use of two of such accounts merely results in the different transaction account codes sending the account information to different processing systems. As background, a customer account code may be, for example, a sixteen-digit transaction account code, although each transaction account provider has its own numbering system, such as the fifteen-digit numbering system. Each company's transaction account codes comply with that company's standardized format such that the company using a fifteen-digit format will generally use three-spaced sets of numbers, as represented by the number "0000 000000 00000". **The first five to seven digits are reserved for processing purposes and identify the issuing bank, card type, etc.** In this example, the last (fifteenth) digit is used as a sum check for the fifteen digit number. The intermediary eight-to-eleven digits are used to uniquely identify the customer. **As such, the new Visa smart card with two accounts merely include a different first five to seven starting digits in each of the stored value account and the credit account to instruct the point of sale terminal to transmit the account information to different issuing banks/processors.** Accordingly, the Visa system also does not include the the protocols, interfaces, data transfers, data conversions and other technical requirements for a system which utilizes both a Travelers Cheque infrastructure and a non-Travelers Cheque infrastructure. Moreover, the claimed invention does not use the digits in the MICR line to facilitate routing data to different processors; rather, the claimed invention uses the MICR information to obtain and organize distribution information.

In fact, combining AAPA with Visa would literally destroy the functionality of both systems. More specifically, AAPA cannot include transaction accounts (because Travelers Checks do not include transaction accounts), so AAPA cannot be combined with Visa because Visa requires two transaction accounts on the same smart card. Similarly, Visa cannot utilize a Travelers Cheque infrastructure (because no serialized tracking codes are included in the Visa system), so Visa cannot be combined with AAPA, because AAPA requires the use of a Travelers Cheque infrastructure.

Applicants assert that Levine does not cure the deficiencies set forth above with respect to Visa and AAPA. In particular, the Office Action cites Levine as disclosing a method and corresponding system that includes features of the claimed invention. The Office Action acknowledges, however, that Levine does not disclose receiving information via MICR protocol or a pre-existing Travelers Cheque infrastructure. Applicants respectfully submit, however, that Levine fails to disclose or suggest any form of relationship between a Travelers Cheque infrastructure and a non-Travelers Cheque infrastructure. Levine is directed to a pre-paid card system having cards associated with a bank identification number and an account number, whereby a customer can access funds from a pre-paid account to withdraw currency. Levine further discloses, in Figure 4, an ETC processor 66 connected to a VisaNet network 82. However, both the ETC processor and the VisaNet network are Travelers Cheque infrastructures. Levine thus fails to appreciate the complexity and convenience associated with establishing a relationship between a Travelers Cheque infrastructure and a non-Travelers Cheque infrastructure, as in Applicants' invention. Such a relationship, as found in Applicants' invention, can provide expansive benefits, by allowing widespread financial access for smaller and more proprietary financial infrastructures, and creating a synergy between a world-wide Travelers Cheque financial network and these smaller infrastructures and providing, for example, synchronized inventory management and customer information. In contrast, Levine is limited to funds stored/accessed on the VisaNet system, and fails to provide these integrated features. Also, while Levine is limited to currency transactions, Applicants' invention can also enable global access to non-currency accounts, such as specific rewards or retailer points, calling card or cellular telephone minutes, or other values unrelated to currency.

Levine also fails to disclose or suggest a plurality of pre-established financial infrastructures, wherein at least one of said plurality of pre-established financial infrastructures comprises a pre-paid card infrastructure, as recited in amended claim 21. **Indeed, Levine merely discloses the distributor system communicating via a *single* pre-established financial infrastructure (ETC processor 66), as shown in Fig. 4.** On the other hand, Applicants' invention provides multiple pre-established financial infrastructures, at least one of which comprises a pre-paid card infrastructure. This configuration can allow improved versatility for the pre-paid card infrastructure, by providing multiple points of access to the pre-paid card infrastructure, either directly by a distributor having a relationship with the pre-paid

card infrastructure, or alternatively via at least a second pre-established financial infrastructure (e.g. Travelers Cheque infrastructure) of the plurality of pre-established financial infrastructures. This approach can enable an issuer of pre-paid cards to maintain its existing "direct" infrastructure and not limit its access to distributors via an intermediary "middle-man" financial infrastructure, thereby subjecting itself to a particular commission-based sales approach. Accordingly, the cited references alone or in combination, do not disclose or contemplate at least "wherein each of the transaction account cards include a different randomized transaction account code associated with a respective transaction account, and a serialized tracking code which conforms to a MICR protocol," as similarly recited by independent claims 1, 12, 17 and 22.

Claims 2, 6-7 and 10-11 variously depend from independent claim 1, so Applicants assert that claims 2, 6-7 and 10-11 are differentiated from the cited references for the same reasons as set forth above, in addition to their own respective features.

When a phrase similar to "at least one of A, B, or C" is used in the claims, Applicant intends the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

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